



General Assembly

Amendment

February Session, 2016

LCO No. 6090



Offered by:
SEN. COLEMAN, 2nd Dist.

To: Subst. Senate Bill No. 454

File No. 635

Cal. No. 408

***"AN ACT CONCERNING AUTOMATIC ERASURE OF CRIMINAL
RECORDS AND BAIL FOR PERSONS CHARGED WITH
MISDEMEANOR DRUG POSSESSION."***

1 Strike subsection (a) of section 1 in its entirety and insert the
2 following in lieu thereof:

3 "(a) Whenever in any criminal case, on or after October 1, 1969, the
4 accused, by a final judgment, is found not guilty of the charge or the
5 charge is dismissed, or the charge is withdrawn prior to arraignment
6 or the accused is released without being charged due to a false arrest
7 on account of mistaken identity, all police and court records and
8 records of any state's attorney pertaining to such charge shall be
9 automatically erased (1) immediately upon the dismissal of the charge,
10 upon the charge being withdrawn prior to arraignment or if the
11 accused is released without being charged due to a false arrest on
12 account of mistaken identity, (2) upon the expiration of the time to file
13 a writ of error or take an appeal, if an appeal is not taken, or (3) upon
14 final determination of the appeal sustaining a finding of not guilty or a
15 dismissal, if an appeal is taken, as applicable. Nothing in this

16 subsection shall require the erasure of any record pertaining to a
17 charge for which the defendant was found not guilty by reason of
18 mental disease or defect or guilty but not criminally responsible by
19 reason of mental disease or defect."